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October 21, 2024

VIA ECF

The Honorable John G. Koeltl, U.S.D.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

Re: *Leadenhall Capital Partners LLP et al. v. Wander et al.*, 24-cv-03453-JGK

Dear Judge Koeltl,

We represent Plaintiffs Leadenhall Capital Partners LLP and Leadenhall Life Insurance Linked Investments Fund PLC (together, “Leadenhall”) in the above-captioned matter. We write regarding certain Defendants’ recent requests to stay discovery.

On October 10, 2024, the 777 Entity Defendants¹ filed a Motion to Stay Discovery. ECF No. 206. The 777 Entity Defendants elected to file their motion as a non-discovery motion pursuant to this Court’s procedures for motion practice (i.e., they did not seek a pre-motion conference with the Court by letter-motion, as required before making discovery motions pursuant to Local Civil Rule 37.2 and Rule II.B of Your Honor’s Individual Rules of Practice). On October 17, 2024, Defendants Steven Pasko and Josh Wander separately filed their own requests to stay discovery. ECF Nos. 216, 217. Defendants Pasko and Wander elected to proceed via discovery motion, filing letter-motions requesting a stay of discovery or, “alternatively, a pre-motion conference” with the Court. ECF No. 216 at 1; ECF No. 217 at 1.

Counsel for Leadenhall contacted counsel for Defendants on October 18 to (1) ascertain whether Defendants Kenneth King and Advantage Capital Holdings LLC (“A-CAP”) also intend to move for a stay of discovery and (2) seek agreement on a coordinated briefing schedule for the stay motions. Defense counsel advised that Defendants King and A-CAP do intend to move for

¹ The term “777 Entity Defendants” refers to Defendants 777 Partners LLC, 600 Partners LLC, SPLCSS III LLC, Dorchester Receivables II LLC, Insurety Agency Services LLC, Signal SML 4 LLC, SuttonPark Capital LLC, Signal Medical Receivables LLC, Insurety Capital LLC, and SuttonPark Servicing LLC.

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a stay but declined to consent to a coordinated response schedule unless Leadenhall would agree to stay discovery pending adjudication of Defendants' stay motions.

As Leadenhall will explain at the appropriate juncture, there is no basis to stay discovery in this case, particularly due to concerns about potential spoliation. The "filing of a motion to dismiss does not itself constitute 'good cause,'" and Defendants' arguments for dismissal are unmeritorious. *RBG Mgmt. Corp. v. Vill. Super Mkt., Inc.*, No. 22-CV-07996 (JLR), 2023 WL 1996920, at *2 (S.D.N.Y. Jan. 24, 2023). For purposes of the present submission, however, Leadenhall seeks only to establish a coordinated schedule and procedure for responding to Defendants' motions to stay discovery. If the Court permits any or all Defendants to proceed with their motions to stay, subject to a pre-motion conference, Leadenhall respectfully requests that the Court set a consolidated briefing schedule under which Leadenhall's consolidated opposition brief will be due three weeks from the date the last motion to stay is filed.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Leigh M. Nathanson
Leigh M. Nathanson